

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 7, 1933.

The meeting was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, and Mayor Miller, 3; absent, Councilmen Bartholomew and Wolf, 2.

The Minutes of the previous meetings, November 23rd, November 24th, November 27th, November 28th, and December 1st, were read and upon motion of Councilman Gillis were adopted by the following vote: Ayes, Councilmen Alford, Gillis and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Petitions asking that the corporate limits of the City of Austin be extended for school purposes only to include certain territory out of the Pecan Springs School District No. 61 and the St. Elmo Common School District No. 43 were presented by Messrs. J. Bascom Giles and J. W. B. Love, respectively. Action on the matter was deferred until the next regular meeting in order to give all citizens affected by the proposed change an opportunity to be heard.

Mr. Chas. Wendlandt submitted an estimate of the cost of right-of-way for the proposed rerouting of the Fredericksburg Road along West Mary Street. Action on the matter was deferred, pending a conference with the State Highway Commissioners.

Judge R. E. Cofer, Attorney for Plaintiff, submitted a request for the immediate payment of a judgment, in the sum of \$325.00, rendered by the Court of Civil Appeals against the City of Austin in a suit styled N. A. Kling vs City of Austin, and the further payment of court costs owing the District Court in said suit, amounting to \$70.00. The matter was referred to the City Attorney for recommendation.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$51.50 be and the same is hereby appropriated out of the General Fund for the purpose of paying the costs of the Court of Civil Appeals in Appeal Cause No. 7831, N. A. Kling vs City of Austin, and that a warrant issue therefor to S.A. Philquist, Clerk of the Court of Civil Appeals.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Mr. E. D. Junkin submitted a request for a street light at the University Presbyterian Church, corner Twenty-second and San Antonio Streets. The City Manager was instructed to attend to the matter.

Upon the recommendation of R. D. Thorp, Chief of Police, Councilman Gillis moved that the application of N. W. R. Hooper, 55 Navasota Street, for license to operate as a taxicab a Chevrolet Sedan, 1930 Model, Engine No. 1529266, State Highway License No. 421-639, be granted. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of Sam Silberstein from the valuation of \$1335.00 placed by the Board of Equalization upon the improvements on Lot 19, Block "A", Outlet 33, Division "O", Canterbury Square, Plat 21, Mayor Miller moved that the valuation as placed by the Board of Equalization be sustained and no reduction made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of M. M. Goldman for a reduction in the valuation of \$1425.00 placed by the Board of Equalization upon Lot 13, Block 3, Outlet 68, Division

"D", Plat 60, Mayor Miller moved that the valuation as placed by the Board of Equalization be sustained and that no reduction be made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of S. G. Warren from the valuations placed by the Board of Equalization upon the east 18x125' of Lot 7, Block 64, Plat 9, known as the "Seventh Street Place", in the amount of \$285.00, and upon the improvements on Lot 6, Block 114, Plat 9, known as the "East Tenth Street Place", in the amount of \$1495.00, Mayor Miller moved that the valuations as placed by the Board of Equalization be sustained and that no reductions be made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of Mrs. Jonas Silberstein from the valuations placed by the Board of Equalization upon the following described property:

Lot 3, Block 118, Plat 4, in the amount of \$220.00;
 Lot 4, Block 118, Plat 4, " " " " \$475.00; improvements, \$790.00;
 South 1/2 of Lot 1 (B), Block 165, Plat 4, in the amount of \$755.00 - improvements, \$580.00;
 West One-half of Lot 9, "B", Block 57, Plat 8, in the amount of \$9065.00 - improvements, \$4005.00;
 East One-half of Lot 11 (A), Block 58, Plat 9, in the amount of \$6305.00 - improvements, \$3925.00;
 Central 30' of Lot 3 (E), N. 1/2 Block 59, Plat 9, in the amount of \$5295.00 - improvements, \$3265.00;
 East 23' of Lot 1 and 25' of Lot 2 (E), Block 88, Plat 9, in the amount of \$1305.00 - improvements, \$1745.00;
 40x150' NE part of Lot 8, Block 190, Plat 13, in the amount of \$895.00 - improvements, \$835.00;
 Lot 15, Block 2, Outlet 34, 36, Division "O", Welch Addition, Plat 20, in the amount of \$305.00 - improvements, \$385.00;
 Lot 16, Block 2, Outlet 34, 36, Division "O", Welch Addition, Plat 20, in the amount of \$305.00 - improvements, \$375.00;
 Lot 17, Block 2, Outlet 34, 36, Division "O", Welch Addition, Plat 20, in the amount of \$305.00 - improvements, \$385.00;
 West 54x62' of Lot 20 (A), Block 1, Outlet 35, Division "O", Plat 20, in the amount of \$260.00 - improvements, \$95.00;
 Lot 7, Block 10, Outlet 19, Division "O", Plat 22, in the amount of \$435.00 - improvements, \$390.00;
 Lot 5, Outlet 43, Foster & Ludlow Addition, Plat 41, in the amount of \$605.00 - improvements, \$100.00;
 Lot 6, Outlet 43, Division "B", Foster & Ludlow Addition, Plat 41, in the amount of \$585.00 - improvements, \$405.00;
 Lot 7, Outlet 43, Division "B", Foster & Ludlow Addition, Plat 41, in the amount of \$550.00 - improvements, \$395.00;
 Lot 8, Outlet 43, Division "B", Foster & Ludlow Addition, Plat 41, in the amount of \$550.00 - improvements, \$725.00;
 Lot 3, Block "F", Outlet 2, Division "Z", Raymond Addition, Plat 94, in the amount of \$745.00 - improvements, \$330.00;
 Lot 4, Block "F", Outlet 2, Division "Z", Raymond Addition, Plat 94, in the amount of \$840.00 - improvements, \$325.00;
 Lot 12, Block "F", Outlet 2, Division "Z", Raymond Addition, Plat 94, in the amount of \$120.00;
 Lot 13, Block "F", Outlet 2, Division "Z", Raymond Addition, Plat 94, in the amount of \$305.00;
 Lot 14, Block "F", Outlet 2, Division "Z", Raymond Addition, Plat 94, in the amount of \$485.00 - improvements, \$635.00;
 48x120' of Lots 4, 5, and 6, (D), Block 1, Outlet 1, Division "Z", Duval Addition, Plat 102, in the amount of \$510.00 - improvements, \$1375.00;

Mayor Miller moved that the valuations as placed by the Board of Equalization be sustained and that no reductions be made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of Max Silberstein from the valuations placed by the Board of Equalization upon the following property:

Lot 7, Block 142, Plat 4, in the amount of \$360.00 - improvements, \$125.00;
 Lot 8, Block 142, Plat 4, in the amount of \$440.00 - improvements, \$855.00;
 West One-half of Lot 8 (B), Block 58, Plat 9, in the amount of \$6305.00 - improvements, \$2000.00;
 Lot 56, Outlots 7 and 8, Enfield "B", Plat 92, in the amount of \$615.00 - improvements, \$1755.00;
 80x72' Unplatted Enfield Reserve (L), Outlet 6, Division "Z", Plat 93, in the amount of \$495.00;
 One-half of Lots 10, 11, and 12, (C), Block 8, Outlet 5, Division "Z", Plat 94, in the amount of \$1075.00; improvements, \$1170.00;
 85x150' of Lots 10, 11, and 12, E-D, Block 8, Outlet 5, Division "Z", Plat 94, in the amount of \$800.00 - improvements, \$690.00;

Mayor Miller moved that the valuations as placed by the Board of Equalization be sustained and that no reductions be made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

In considering the written appeal of M & S Silberstein from the valuations placed by the Board of Equalization upon the following property:

South part of Lots 5, 6, and 7, (B), Block 37, Plat 10, in the amount of \$555.00 - improvements, \$1265.00;
 North part of Lots 2, 3, and 4, (C), Block 37, Plat 10, in the amount of \$1070.00;
 70x128' (X), Block 1, Outlots 72 and 73, Division "E", Plat 13, in the amount of \$500.00 - improvements, \$690.00;
 Lot 18, Block 1, Outlots 72 and 73, Division "E", Plat 13, in the amount of \$510.00 - improvements, \$365.00;
 South 240x128' (G) Block 6, Outlots 72 and 73, Division "E", Plat 13, in the amount of \$1080.00 - improvements, \$2495.00;
 70x128' (H), Block 6, Driskill & Rainey Division, Plat 13, in the amount of \$325.00 - improvements, \$360.00;
 54x157' SW corner Lot 13, (B), Outlet 55, Division "B", Plat 32, in the amount of \$265.00 - improvements, \$360.00;
 East 50x112' of Lot 1 (B), Block 1, Outlet 57, Division "B", Von Koerneritz Addition, Plat 33, in the amount of \$25.00 - improvements, \$205.00;
 SW One-half of Lot 2 (1) of Original 2, Block 5, Outlet 56, Division "D", Plat 33, in the amount of \$390.00 - improvements, \$510.00;
 Lot 1, Block 6, Outlet 56, Division "D", Plat 33, in the amount of \$1345.00 - improvements, \$1870.00;
 Original 4, less 2', Outlet 57, Division "B", Patterson Addition, Plat 33, in the amount of \$965.00 - improvements, \$700.00;

Mayor Miller moved that the valuations as placed by the Board of Equalization be sustained and that no reductions be made. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, J. W. Whatley is the Contractor for the construction of a store front located at 517 East Sixth Street and desires a portion of the sidewalk space abutting the center 22 feet of Lot 6, Block 60, of the Original City of Austin, Texas, during the reconstruction of the store front, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. W. Whatley, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at a point in the north line of the above described lot twenty-two feet west of the northeast corner of said lot; thence in a northerly direction and at right angles to the centerline of East Sixth Street a distance of seven feet; thence in a westerly direction and parallel with the centerline of East Sixth Street a distance of twenty-two feet; thence in a southerly direction and at right angles to the centerline of East Sixth Street a distance to the south line of East Sixth Street; thence in an easterly direction along the south line of East Sixth Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said J. W. Whatley, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail along the north, east and west boundary lines of the above described working space and within the limits of such working space, and said guard rail shall be at least 4½ feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within twenty-five feet of any corner street intersection.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than January 2, 1934.

(7) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the reconstruction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in GIBSON STREET from South Fourth Street to South Fifth Street, the centerline of which gas main shall be thirty-eight feet south of and parallel to the north line of said Gibson Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The Council, by rising vote, adopted the following resolutions of respect and ordered that a page of the Minutes be set aside for the recording of each and that copies of same be sent to the families of the deceased:

RESOLUTION OF RESPECT

WHEREAS, J. R. Cummings was fatally injured on the 3rd day of December, 1933, while in discharge of his duty as Motorcycle Policeman of the City ;therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the tragic death of Officer Cummings has deprived the City of Austin of a capable and faithful officer, which the City Council deploras, and extends to his bereaved family its sympathy and condolence; and

THAT a copy of this resolution be sent to the wife and family of deceased as the testimonial of the City Council.

RESOLUTION OF RESPECT

WHEREAS, Frank R. Tannehill, while serving as Justice of the Peace, died on the 5th day of December, 1933; and

WHEREAS, Deceased served the City of Austin for years in the capacity of Policeman; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Judge Tannehill will be remembered by the City of Austin for his faithful services while in the employment of the City and later as an honest Judge; and

THAT this testimonial be spread on the Minutes of the City Council and a copy sent to his family.